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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 DARNELL MCGARY,

9 Plaintiff,

10 v.

11 RONALD CULPEPPER, *et al.*,

12 Defendants.

CASE NO. C05-5376JRC

ORDER

13 The Court, having reviewed plaintiff's complaint, the Report and Recommendation of  
14 Magistrate Judge J. Richard Creatura, objections to the report and recommendation [Dkt. #129],  
15 the responses thereto [Dkt. #'s 130, 131], and the remaining record, does hereby find and  
16 ORDER:

- 17 (1) The Court adopts the Report and Recommendation.
- 18 (2) Defendants' motions to dismiss (Docs. 107, 108, & 118) are GRANTED.
- 19 (3) Plaintiff's claims and causes of action against Defendants Roberts, Acker,  
20 Richards, Sziebert and McClung are dismissed.
- 21 (4) Plaintiff's motion for default (105) is DENIED, and Defendant Brian Judd is  
22 dismissed from the matter.
- 23 (5) The Clerk shall enter judgment in favor of Defendants Roberts, Acker, Richards,  
24 Sziebert, McClung, and Judd and shall close this case.
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2 (6) The Clerk is directed to send copies of this Order to the parties.

3 DATED this 31<sup>st</sup> day of December, 2009.

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5 RONALD B. LEIGHTON  
6 UNITED STATES DISTRICT JUDGE  
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